

E-filed 12/1/06

1 BINGHAM McCUTCHEN LLP
 2 FRANK KENNAMER (SBN 157844)
 2 NEHA SHAH NISSEN (SBN 190848)
 3 TROY SAURO (SBN 224097)
 3 RACHEL SOMMOVILLA (SBN 231529)
 Three Embarcadero Center
 4 San Francisco, California 94111-4067
 Telephone: 415.393.2000
 5 Facsimile: 415.393.2286

6 Attorneys for WAMM Plaintiffs

7 GERALD UELMEN (SBN 39909)
 Santa Clara University School of Law
 8 500 El Camino Real
 Santa Clara, California 95053
 9 Telephone: 408.554.5729
 Facsimile: 408.554.4426

10 Attorney for County of Santa Cruz
 11 and WAMM Plaintiffs

12 Additional Counsel Listed on Signature Page

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

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17 COUNTY OF SANTA CRUZ, CALIFORNIA;
 CITY OF SANTA CRUZ, CALIFORNIA;
 18 VALERIE CORRAL; ELADIO V. ACOSTA;
 JENNIFER LEE HENTZ; HAROLD F.
 19 MARGOLIN; LEVI CASTRO; DOROTHY
 GIBBS; JAMES DANIEL BAEHR; MICHAEL
 20 CHESLOSKY and WOMEN'S ALLIANCE
 FOR MEDICAL MARIJUANA,

21 Plaintiffs,

22 v.

23 ALBERTO R. GONZALES, Attorney General of
 the United States; KAREN P. TANDY,
 Administrator of the Drug Enforcement
 24 Administration; JOHN P. WALTERS, Director of
 the Office of National Drug Control Policy; and
 25 30 UNKNOWN DRUG ENFORCEMENT
 ADMINISTRATION AGENTS,

26 Defendants.

27 Case No.: 03-CV-1802 JF

28 **STIPULATION AND [PROPOSED]
 ORDER TO RESCHEDULE CASE
 MANAGEMENT CONFERENCE**

Date: December 1, 2006
 Time: 10:30 a.m.
 Place: Courtroom 3, Fifth Floor
 Judge: Honorable Jeremy Fogel

1 Plaintiffs and Defendants through their counsel of record stipulate to reschedule the Case
2 Management Conference set for December 1, 2006 until after the disposition of Defendants'
3 motion to dismiss Plaintiffs' First, Second, Third, Fourth and Sixth Causes of Action.

4 1. On June 23, 2006 this court heard oral argument on Defendants' motion to
5 dismiss the Fifth Cause of Action in Plaintiffs' First Amended Complaint as well as Defendants'
6 motion to dismiss the First, Second, Third, Fourth and Sixth Causes of Action in Plaintiffs' First
7 Amended Complaint. During the hearing, the Court indicated that it was inclined to withhold a
8 ruling on Defendants' motion to dismiss Plaintiffs' First, Second, Third, Fourth, and Sixth
9 Causes of Action pending a ruling by the United States Court of Appeals for the Ninth Circuit in
10 *Raich v. Gonzales*, No. 03-15481, which was argued on March 27, 2006.

11 2. On July 18, 2006, this court granted in part and denied in part Defendants' motion
12 to dismiss Plaintiffs' Fifth Cause of Action.

13 3. The parties are currently awaiting disposition of Defendants' motion to dismiss
14 the First, Second, Third, Fourth and Sixth Causes of Action. The Parties request that the Case
15 Management Conference currently scheduled for December 1, 2006 be continued until after the
16 Court has issued its order with respect to Plaintiffs' remaining claims.

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2 DATED: November 29, 2006

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BINGHAM McCUTCHEN LLP

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6 Additional Counsel:

7 Daniel Abrahamson (SBN 158668)
Drug Policy Alliance
8 Office Of Legal Affairs
9 819 Bancroft Way
Berkeley, CA 94710
10 Telephone: 510.229.5212
Facsimile: 510.295.2810

11

12 Graham Boyd (SBN 167727)
American Civil Liberties Union Foundation
13 1101 Pacific Avenue, Suite 333
Santa Cruz, CA 95062
14 Telephone: (831) 471-9000
Facsimile: (831) 471-9676

15

16 Allen Hopper (SBN 181678)
American Civil Liberties Union Foundation
17 1101 Pacific Avenue, Suite 333
Santa Cruz, CA 95062
18 Telephone: (831) 471-9000
Facsimile: (831) 471-9676

19

21 Gerald Uelmen (SBN 39909)
Santa Clara University School of Law
22 500 El Camino Real
Santa Clara, California 95053
23 Telephone: 408.554.5729
Facsimile: 408.554.4426

24

25 Benjamin Rice (SBN 98551)
331 Soquel Avenue, Suite 203
Santa Cruz, California 95062
26 Telephone: 831.425.0555
Facsimile: 831.459.9815

27

28

By: /s/

Frank Kennamer
Attorneys for WAMM Plaintiffs

DRUG POLICY ALLIANCE

By: /s/

Daniel Abrahamson
Attorneys for WAMM Plaintiffs

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

By: /s/

Graham Boyd
Attorneys for WAMM Plaintiffs

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

By: /s/

Allen Hopper
Attorneys for WAMM Plaintiffs

By: /s/

Gerald Uelmen
Attorneys for County of Santa Cruz and
WAMM Plaintiffs

By: /s/

Benjamin Rice
Attorneys for County of Santa Cruz
and WAMM Plaintiffs

1 John Barisone (SBN 87831)
2 333 Church Street
3 Santa Cruz, California 95060
4 Telephone: 831.423.8383
5 Facsimile: 831.423.9401

By: /s/

John Barisone

Attorneys for City of Santa Cruz

5 DATED: November 29, 2006

UNITED STATES ATTORNEY'S OFFICE

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12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 DATED: 12/1, 2006



Hon. Jeremy Fogel
U.S. District Court Judge

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